

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BAKERS HEALTH AND WELFARE FUND;
JOINT BOARD OF TRUSTEES OF THE
BAKERS HEALTH AND WELFARE FUND;
and FELISA CASTILLO, TRUSTEE

Plaintiffs,

No. C 05-00280 MMC (WDB)

v.

**ORDER VACATING APRIL 13, 2006
ORDER PERMITTING FILING OF
OPPOSITION TO PLAINTIFFS'
REQUEST TO ISSUE WRIT OF
EXECUTION**

WILSON'S JEWEL BAKERY, INC.,

Defendant.

On April 13, 2006, this Court issued an Order requiring Plaintiff to serve upon Defendant Plaintiff's Request for Writ of Execution (filed on March 23, 2006), and permitting Defendant until Friday, April 28, 2006, to file a response to the Request. The court now VACATES its Order of April 13, 2006.

Paragraph 7 of the Stipulated Judgment underlying the Request for a Writ provides that, "[i]n the event Defendant or its Guarantor fail to make any payment required . . . or fail to remain current in any contribution..." then, "a writ of execution may be obtained against Defendant and/or Guarantor **without further legal action**" and "**upon declaration of a duly authorized representative of the plaintiffs....**" See March 11, 2005 Acknowledgment of Service and Judgment Pursuant to Stipulated (emphasis added). Accordingly, and in light of declarations

1 filed by Plaintiff in support of the Request, it is neither necessary nor appropriate to require
2 Plaintiff to serve the Defendant, or to give the Defendant an additional opportunity to respond
3 to the claims or present evidence.

4 The court will issue a separate Report and Recommendation on the Request for Writ of
5 Execution.

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7 **IT IS SO ORDERED.**

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9 Dated: April 13, 2006

/s/ Wayne D. Brazil

10 WAYNE D. BRAZIL
11 United States Magistrate Judge

12 Copies to:
13 All parties,
14 WDB, Stats
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